

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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W.E. AUBUCHON CO., INC., and  
W.E. AUBUCHON CO. INC.  
EMPLOYEE MEDICAL BENEFIT PLAN  
Plaintiffs,

v.

C.A. No. 05-40159FDS

BENEFIRST,LLC,  
Defendant.

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JOINT STATEMENT

Pursuant to the Court's Scheduling Order dated February 3, 2006, the parties hereby submit a joint statement of their progress and proposing further discovery deadlines. The parties state that they have exchanged draft audit agreements, have reviewed and discussed them, but are unable to agree at this time to have an independent audit conducted at this time. The parties have previously submitted to the court, in February, 2006, a Proposed Scheduling Order. The parties propose that the court adopt the Proposed Scheduling Order as previously submitted with one change. On the second

page of the previously submitted Proposed Scheduling Order, the parties propose that the date for completion of item 3 c. be changed from June 30, 2006 to September 15, 2006.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**  
I, Attorney for DEFT, hereby certify  
that I, this day, served a copy of the  
within document(s) by (hand) (first  
class mail, postage prepaid) to all  
counsel of record.

RJP  
BBO# 402120

DATE: 4/6/06